

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Oakley, for an order authorizing the City to construct the Laurel Road Overhead, in the County of Contra Costa, City of Oakley, State of California.

Application 05-04-009  
(Filed April 7, 2005)

**O P I N I O N****Summary**

This decision grants the request of the City of Oakley (City) for authority to construct a grade-separated highway-rail crossing (crossing) at the extension of Laurel Road over the track and right-of-way of the Union Pacific Railroad Company (UPRR) in the City, County of Contra Costa. The new crossing will be known as the Laurel Road Overhead, will be constructed in connection with the Laurel Road Extension Project (Project), and will be identified as CPUC Crossing No. 001B -57.60-A. A map showing the general project vicinity is set forth in Appendix A.

**Discussion**

The proposed crossing, Laurel Road Overhead, is part of the Project that involves constructing a connection between the proposed State Route 4 Bypass (Bypass) and existing Laurel Road. The Project will connect Laurel Road to the Bypass by realigning and extending Laurel Road to cross over the UPRR track via the proposed Laurel Road Overhead. Additional improvements to the surrounding roadways will also be made in conjunction with the Project to

accommodate projected increases in traffic volumes. The Laurel Road Overhead will be a two-span bridge that will have a length of 312 feet and a width of 116 feet. There will be no railroad warning devices, special signs, or signals required at this crossing.

The City is the lead agency for this new crossing project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et seq. On September 7, 2004, in compliance with CEQA, the City issued a Final Mitigated Negative Declaration approving the Project. This Final Mitigated Negative Declaration has determined that the Project, in combination with proposed mitigation measures, would not have a significant effect on the environment. As indicated above, the proposed crossing is a part of the Project.

The Commission is a responsible agency for this crossing project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities, which must be conducted by a responsible agency, are contained in CEQA Guideline Section 15096.

The Commission's Consumer Protection and Safety Division, Rail Crossings Engineering Section (RCES) has reviewed the City's environmental documentation. The environmental documentation consists of a Final Mitigated Negative Declaration. Safety, traffic (transportation), and noise are within the scope of the Commission's permitting process. The environmental documentation does not identify any long-term significant impacts related to

safety and traffic issues. Impacts from increased noise levels will be mitigated by the construction of sound walls, the replacement of existing home windows with sound-rated windows, and the limiting of construction activity to the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities shall occur on Sundays or holidays. We find that the City reasonably determined that the noise mitigation measures will be adequate to reduce potentially significant noise impacts to less-than-significant levels. We adopt their mitigation measures for purposes of our approval.

RCES has inspected the site of the proposed crossing. After reviewing the need for and safety of the proposed crossing, RCES recommends that the requested authority sought by the City be granted for a period of three years.

Application 05-04-009 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3151 dated April 21, 2005, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3151.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the

otherwise applicable 30-day period for public review and comments is being waived.

**Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

**Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on April 12, 2005.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a new, grade-separated crossing at the extension of Laurel Road over the track and right-of-way of UPRR in the City. This crossing will be identified as CPUC Crossing No. 001B -57.60-A, Laurel Road Overhead.
3. Public convenience, safety and necessity require the construction of the proposed crossing.
4. The City is the lead agency for this project under CEQA, as amended.
5. The Commission is a responsible agency for this project, and has reviewed and considered the City's environmental documentation specified in this decision.
6. On September 7, 2004, the City issued a Final Mitigated Negative Declaration approving the Project, which the proposed crossing is a part. This Final Mitigated Negative Declaration finds that the Project, in combination with proposed mitigation measures, would not have a significant effect on the environment.
7. Safety, transportation, and noise are within the scope of the Commission's permitting process.
8. The City's environmental documentation does not identify any significant environmental impacts from the construction or operation of the proposed

crossing related to safety or transportation. Noise impacts will be mitigated by the construction of sound walls, the replacement of existing home windows with sound-rated windows, and the limiting of construction activity to the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities shall occur on Sundays or holidays.

**Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. We find that the City reasonably concluded that the adopted noise mitigation measures will reduce potential noise impacts to less-than-significant levels. We adopt their determination and mitigation measures for purposes of our approval.
3. The application should be granted as set forth in the following order.

**O R D E R****IT IS ORDERED** that:

1. The City of Oakley (City) is authorized to construct a grade-separated highway-rail crossing (crossing) at the extension of Laurel Road over the track and right-of-way of the Union Pacific Railroad Company (UPRR) in City, Contra Costa County. The new crossing will be identified as CPUC Crossing No. 001B-57.60-A, Laurel Road Overhead.
2. The City shall comply with all applicable rules, including General Orders and the Manual on Uniform Traffic Control Devices (MUTCD), as amended by the MUTCD California Supplement.
3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between City and UPRR (parties). Should

the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, UPRR shall notify the Commission's Consumer Protection and Safety Division, Rail Crossings Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

5. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. This application is granted as set forth above.

7. Application 05-04-009 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.

